1945

File No. B. Weights and Measures /45

Legal Dept.

BRANCH

Subject:—

A Bill to amend the Bombay Weights and measures Act 1932 (Substitution of new section for section 35 of Bom XV of 1932)

(Bm. XV of 1945)

9/1945 (E)

File No. B Weights and Measures/45

Gen. 194 e.

Ltr-D

Office of the R. L. A.

A revised draft Bill is sent herewith,

2. The Statement at page 23, as amended, is in order.

3. The subject-matter of the Bill falls under entries 30 and 37 in List II in the Seventh Schedule to the Government of India Act, 1935. Since the Bill does not relate to any entry in List III in the Seventh Schedule to the Government of India Act, 1935, it is not necessary to reserve it for the consideration of the Governor General with reference to paragraph (2) of the Proclamation and section 107 (2) of the Government of India Act, 1935. Under executive instructions the Bill requires the previous concurrence of the Governor General before enactment.

Id/- P. N. M.
9-2-45.

Remembrancer of Legal Affairs.

U.R. to G.D. No. 1244, dated the 10th February 1945.

SSD.
13.7.1966. 4c.

No. 5034.

Legal Department,
Bombay Castle, 9th July 1945.

From

P.N. Moos, Esquire, Bar-at-Law, I.C.S.,
Secretary to the Government Of Bombay;

To

The Secretary to the Governor of Bombay.

Subject :- A Bill to amend the Bombay Weights and Measures Act, 1932.

Sir,

With reference to your memorandum No. 201 (121), dated the 19th September 1945, addressed to the General Department on the above subject, I am directed to forward herewith for the assent of His Excellency the Governor a copy of the Bill to amend the Bombay Weights and Measures Act, 1932, prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935.

2. The subject-matter of the Bill falls under entries 13 and 14 in list II in the Seventh Schedule to the Government of India Act, 1935. As the Bill does not relate to any matter in the Concurrent Legislative List, it is not necessary to reserve it for the consideration of the Governor-General with reference to section 107(2) of the Government of India Act, 1935, and paragraph (2) of the Proclamation.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

4. I also forward herewith one spare copy of the Bill.

Your obedient servant,

Id/- P. N. M.
7-7-45.

Secretary to the Government of Bombay
Legal Department.

Through :-
The Secretary to the Government of Bombay,
General Department.

S.S.D. 4c.
13.7.56.

No. 201(121),
Office of the Governor's Secretary,
Government House.

From

D. Symington, Esquire, CIE. ICS.
Secretary to the Governor of Bombay.

To The Secretary to Government,
Legal Department,

Ganeshkhind, 25th July 1945.

Subject :- The Bombay Weights and Measures (Amendment) Bill, 1945.

Sir,

With reference to your [illegible], dated 9th July 1945, on the above subject, I am directed to return herewith the copy of the Bombay Weights and Measures (Amendment) Bill, 1945, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state that under the provisions of the aforesaid paragraph, His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Excellency.

Your obedient servant,

Sd/- .....

Secretary to the Governor of
Bombay.

SSD.
13.7.1956. 4c.

A C T S.

Publication of the Bombay Weights and Measures (Amendment) Act,1945.

GOVERNMENT OF BOMBAY

Legal Department.
Resolution No. 5593.
Bombay Castle, 28th July 1945.

Letter to the Secretary to the Governor, No.5034 P. 23 an dated the 9th July 1945.

Letter from the Secretary to the Governor, No.(121), dated the 25th July 1945.

"With reference to your letter No.5034, dated 9th July 1945, on the above subject, I am directed to return herewith the copy of the Bombay Weights and Measures (Amendment) Bill, 1945, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state that under the provisions of the aforesaid paragraph, His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty."

RESOLUTION:- The law should be published as Bombay Act No. XVI of 1945, in the Bombay Government Gazette dated the 28th July 1945.

2. The Act should be translated into Marathi, Gujarati, Kannada and Urdu and the translation should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the General Department.

By order of the Governor of Bombay,

Sd/- P. N. MOOG,
Secretary to Government

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 15 Gazette copies of the Act may be forwarded to the Legal Department),

The General Department)
*The Oriental Translator to Governme__) With a
The Secretary to the Bombay Legislative Assembly) Copy of
The Secretary to the Bombay Legislative Council.) the Act.

* With five extra copies.

SSD.
13.7.1956. 4c.

No. 5807.

Legal Department,

Bombay Castle, 6th August 1945.

From

P. N. Moos, Esquire, Bar-at-Law, I.C.S.,
Secretary to the Government Of Bombay.

To The Secretary to the Government of India,
Legislative Department

Subject :- Supply of copies of Bombay Act No. XVI of 1945.

Sir,

I am directed to forward herewith with reference to paragraph 5 of your letter No. 322/36-P, dated the 21st November 1936, in connection with supply of copies of Bills and documents connected therewith, ~~xxx~~ ten copies of the Bombay Weights and Measures (Amendment) Act, 1945 (Bom.XVI of 1945), which was assented to by His Excellency the Governo of Bombay.

Your obedient servant,

Id/- .....
3-8-
For Secretary to the Government of Bombay,
Legal Department.

SSD.
13.7.1956. 4c.

33 69 71

GOVERNOR'S BILL No. XVII OF 1945.

A Bill to amend the Bombay Weights and Measures Act, 1932.

WHEREAS it is expedient to amend the Bombay Weights and Measures Act, 1932, for the purpose hereinafter appearing; Bom. XV of 1932.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature; 26 Geo. 5, Ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

1. This Act may be called the Bombay Weights and Measures (Amendment) Act, 1945. Short title.

2. For section 35 of the Bombay Weights and Measures Act, 1932, the following section shall be substituted, namely:— Bom. XV of 1932. Substitution of new section for section 35 of Bom. XV of 1932.

"35. Whoever in selling any article by weight or measure delivers or causes to be delivered to the purchaser— Penalty for giving short weight or measure.

(*i*) in cases where an amount of error to be tolerated in selling articles has been prescribed under section 46A, short weight or measure, the shortage exceeding the amount of error so prescribed, or

(*ii*) in other cases short weight or measure

shall, on conviction, be punishable with fine which may extend to rupees three hundred."

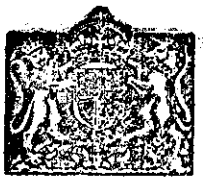
?- 54
73

STATEMENT.

With a view to empowering Government to prescribe the amount of error which may be tolerated in selling articles by weight or measure generally or as regards any trade or class of trades, as is deemed necessary, a new section 46A was added to the Bombay Weights and Measures Act, 1932, by Bombay Act 22 of 1936. Also the words, figures and letter "weight or measure less than what is purported to be sold shall, if the less weight or measure exceeds the amount of error prescribed under section 46A" were substituted for the words "less weight or measure than is purported to be sold shall" occurring in section 35 of the Act, by Bombay Act 22 of 1936, section 3. This has, however, resulted in the traders escaping punishment in respect of the commodities for which the amount of error to be tolerated has not been prescribed under section 46A. As it is not feasible to prescribe the amount of error to be tolerated for each and every article sold by weight or measure, it is necessary to amend section 35 so that cases in which the amount of error to be tolerated has not been prescribed by Government under section 46A are covered.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Registered No. B-1



The Bombay Government Gazette

PUBLISHED BY AUTHORITY

SATURDAY, 28TH JULY 1945.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

CONTENTS.

	Pages
BOMBAY ACT No. XVI OF 1945—An Act to amend the Bombay Weights and Measures Act, 1932	117-118

The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by him on the 24th July 1945 is hereby published for general information.

P. N. MOOS,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XVI OF 1945.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 28th July 1945.)

An Act to amend the Bombay Weights and Measures Act, 1932.

Bom. XV of 1932.

WHEREAS it is expedient to amend the Bombay Weights and Measures Act, 1932, for the purpose hereinafter appearing;

26 Geo. 5, Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

Short title.

1. This Act may be called the Bombay Weights and Measures (Amendment) Act, 1945.

Substitution of new section for section 35 of Bom. XV of 1932.

2. For section 35 of the Bombay Weights and Measures Act, 1932, the following section shall be substituted, namely :— Bom. XV of 1932.

Penalty for giving short weight or measure.

"35. Whoever in selling any article by weight or measure delivers or causes to be delivered to the purchaser—

(*i*) in cases where an amount of error to be tolerated in selling articles has been prescribed under section 46A, short weight or measure, the shortage exceeding the amount of error so prescribed, or

(*ii*) in other cases short weight or measure

shall, on conviction, be punishable with fine which may extend to rupees three hundred."

STATEMENT.

With a view to empowering Government to prescribe the amount of error which may be tolerated in selling articles by weight or measure generally or as regards any trade or class of trades, as is deemed necessary, a new section 46A was added to the Bombay Weights and Measures Act, 1932, by Bombay Act 22 of 1936. Also the words, figures and letter "weight or measure less than what is purported to be sold shall, if the less weight or measure exceeds the amount of error prescribed under section 46A" were substituted for the words "less weight or measure than is purported to be sold shall" occurring in section 35 of the Act, by Bombay Act 22 of 1936, section 3. This has, however, resulted in the traders escaping punishment in respect of the commodities for which the amount of error to be tolerated has not been prescribed under section 46A. As it is not feasible to prescribe the amount of error to be tolerated for each and every article sold by weight or measure, it is necessary to amend section 35 so that cases in which the amount of error to be tolerated has not been prescribed by Government under section 46A are covered.

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